

Docket No.: 043876-0156

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of	:	Customer Number: 20277
	:	
Craig HANSEN, et al.	:	Confirmation Number: 5955
	:	
Application No.: 10/757,866	:	Group Art Unit: 2183
	:	
Filed: January 16, 2004	:	Examiner: COLEMAN, ERIC
	:	
For: METHOD AND SOFTWARE FOR STORE MULTIPLEX OPERATION		

INFORMATION DISCLOSURE STATEMENT

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This Information Disclosure Statement is being filed more than three months after the U.S. filing date and after the mailing date of a Final Rejection or Notice of Allowance, but before payment of the Issue Fee.

**REQUEST TO CONSIDER REFERENCES AFTER CLOSE OF PROSECUTION AND
BEFORE PAYMENT OF ISSUE FEE**

In accordance with the provisions of 37 C.F.R. 1.56, 1.97 and 1.98, the attention of the Patent and Trademark Office is hereby directed to the references listed on the attached form PTO-1449. It is respectfully requested that the references be expressly considered during the prosecution of this application, and that the references be made of record therein and appear among the "References Cited" on any patent to issue therefrom. Please charge the processing fee under 1.17(p) of **\$180.00** to Deposit Account 500417.

The instant filing is submitted to bring to the Examiner's attention a recent office action issued in copending Reexamination Control No. 95/000,089 (identified as "6,643,765 (Control No. 95/000,089) Right of Appeal Notice (37 CFR 1.953) mailed November 5, 2008"), together with Patent Owner's Request for Reconsideration and Response and Objection to the Right of Appeal Notice. The Right of Appeal Notice and the Response address the ability of the claims of the '765 patent to receive the priority date of earlier filed applications from which it claims priority, and in particular, the status of the '599 appendix as part of the '599 disclosure.¹ Please note that also included on the PTO-1449 is a patent family tree for U.S. Patent No. 5,742,840, for the Examiner's convenience.

Applicants note that in the prosecution of the instant application, the Examiner repeatedly and directly addressed the issue of, and confirmed, this application's claim of priority to the '840 patent (filed Aug. 16, 1995) via the '599 patent. Initially, the claims were rejected under 35 U.S.C. § 103(a) in view of Cohen (which claimed an effective date of February 29, 1996 for features relied therein). On page 7 of the Amendment filed on November 15, 2006, Applicants specifically explained

the Cohen reference cited by the Examiner fails to qualify as prior art to the pending claims. The present application claims priority back to the 8/16/95 filing date of U.S. Patent Application No. 08/516,036, which issued into U.S. Patent No. 5,742,840 (the '840 patent). This chain of priority also includes a continuation-in-part application, U.S. Patent Application No. 09/382,402, which issued into U.S. Patent no. 6,295,599 (the '599 patent)..

On page 9 of the following Office Action of February 21, 2007, "the Examiner conclude[d] that the priority for the claimed invention does not extend to the '599 or the '840 patents." The Amendment filed on August 16, 2008 further detailed the chain of priority, via the application for the '599 patent, to the '840 patent filing. The Office Action of October 30, 2007 withdrew the rejection in view of Cohen, while on page 10 it asserted certain claims were "not supported

¹ Other Patent Office correspondence in copending applications and reexaminations is submitted as well.

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by the 840 or 599 patents.” Pages 12-16 of the following amendment filed on May 5, 2008 explained that the claims were entitled to the claimed priority date, and the according failure of Kabir to qualify as prior art. Pages 11-19 of the Amendment filed on October 16, 2008 further explained that the ‘599 and ‘840 disclosures (including the ‘599 and ‘840 appendices) support the claims and meet the enablement and written description requirements. On November 20, 2008, the application was allowed.

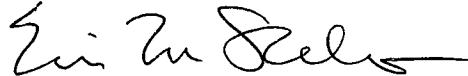
CERTIFICATION PARAGRAPH

The undersigned certifies that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application or, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 CFR 1.97(e)(2).

Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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